

# **TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**

**May 17, 2004**

PRESENT: Tom Cowan, Chair  
Mark Decker  
Terry Janicz  
Don Hoefler  
Rick Meahl  
Rebecca Baker, Zoning Officer  
Christine Falkowski, Planning Board Clerk

The meeting was called to order by Tom Cowan at 7:30 PM.

## **NEW BUSINESS**

### **Minor Subdivision Application – Sandhill Road – Chimento**

Joe Chimento would like to split off a 2.3-acre parcel from 24 acres. The survey was reviewed, and a full EAF was filed. Mr. Chimento brought in another survey that shows the remaining road frontage at 150'. Rick motioned to approve the minor subdivision, seconded by Terry and all approved.

There was discussion about where the measurement is taken for frontage, and it was decided that our Code should state “measured at the right of way”. This will be noted for future revisions to the Code.

### **Used Auto Dealer - 13428 Main Road**

Rick Urbanski and Peter Rybinski of PSR Enterprises are applying to the DMV for a motor vehicle repair shop license, which requires approval from the Town. Mr. Urbanski stated that it was a repair shop when they took over four years ago, but they never applied for the inspection license. They currently must go off site for inspection and repair of their vehicles, which is becoming costly. They will not be advertising this or changing their buildings in any way, just putting the green license sign on the rear building. They have a contract with NOCO for removal of oil and antifreeze, and there is a tank in the ground that is pumped out annually by Alden Septic. This is not a change in use or expansion. If they wish to provide the inspection and maintenance service for vehicles other than their own stock in the future, they will come back when the Route 5 moratorium on commercial development is complete. Don motioned to authorize the Zoning Officer to provide a letter authorizing Mr. Urbanski and Mr. Rybinski to obtain a license for inspections and maintenance of the vehicles that they sell only, seconded by Mark and all approved.

### **Craig Kelkenberg – Utley Road - Request for Exemption from Subdivision**

Craig would like to split off 10 acres from the center of a 54-acre parcel on Utley Road. The 10-acre section has a house and outbuildings on it. He plans to sell it to Mark Fitzsimmons, whom Craig believes has horses and intentions of doing hay. The remaining pieces to the north and south will still be farmed by Dwydko, but all resulting parcels must be used for agricultural purposes and be 10 acres or larger. He does not have proof that the 10-acre parcel will be farmed. Tom and Mark went upstairs to consult with Attorney Neill, who stated that this situation does not meet the needs of the reason this section of the Code was written, which was for agriculture, not development. Therefore, Mr. Kelkenberg is not exempt from subdivision approval. He will, in fact, be creating two lots and must apply for subdivision approval to the Planning Board at a fee of \$1,275.

## **OLD BUSINESS**

Tom offered a flyer for a meeting on Wednesday, May 26<sup>th</sup> at 3:30 PM with the American Planning Association.

**Minutes Review** – Mark motioned to approve the minutes of May 3<sup>rd</sup>, seconded by Terry and all approved.

### **Sign Ordinance**

Don will measure and re-check size parameters in the draft ordinance. We have not received feedback from Nathan relative to Duane Root's and the Judges' opinions about lowering penalties for ease of use.

### **Route 5 /Overlay Zone/Moratorium on Used Auto Dealers/Design Criteria**

Tom distributed a summary prepared by Wendel from the Steering Committee meeting held on April 22<sup>nd</sup>. He asked the Board to review it and call him with any comments prior to Friday, May 21<sup>st</sup>.

### **Flaglots/Open Development**

Tom will put all ideas together for submittal to Drew Reilly after the Route 5/Overlay meeting on 5/21/04.

**Fence/Wall Ordinance** Tom and Becky will draft standards to recommend to the Town Board.

**Next meeting: Monday, June 7, 2004**

Terry motioned to adjourn the meeting at 9:20 PM, seconded by Rick and all approved.

Respectfully submitted, Christine Falkowski, Recording Secretary